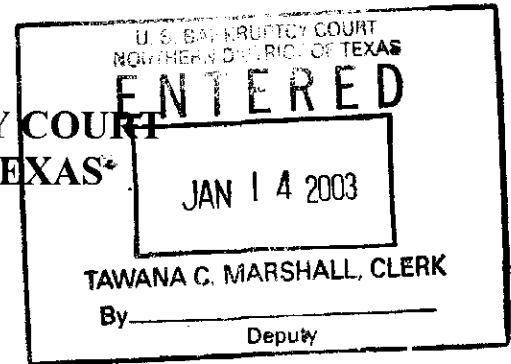


UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



IN RE:

YVONNE M. BROWN

Debtor

§
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§
§
§

Case No. 02-39964 HDH-137

**FINDINGS OF FACT AND CONCLUSIONS OF LAW
ON MOTION TO REINSTATE CASE**

On December 30, 2002, came on to be heard the motion of Midland Mortgage Company ("Midland") to reinstate the bankruptcy case of Yvonne M. Brown ("Debtor") for limited purpose, and a motion to lift stay. The Court took the matter under advisement, and after reviewing the evidence presented, the argument of counsel, and the bankruptcy files of the various cases filed by Debtor and her husband, finds as follows:

1. Prior to the filing of the instant petition, the terms and conditions of the note and deed of trust in favor of Midland, secured by the house in which Debtor and her spouse live, were in default. The note is due contractually for the February 1, 2001 payment and all subsequent payments. It is unclear from the record what legal interest, if any, Debtor has in the house. The note was executed by Debtor's husband and his then-wife, now his ex-wife. Debtor did not sign the note, nor was a deed offered into evidence to show any ownership interest in the house. Some inconclusive testimony was offered by Debtor's husband, but not enough for this Court to determine whether Debtor has a legal interest in the house which secures the indebtedness to Midland.

2. On March 23, 2001, Debtor's husband, Basil Brown, filed a bankruptcy case under Case No. 01-32405. An order dismissing the case was entered by the court on January 15, 2002. The Court takes judicial notice of the pleadings in that case.
3. On April 2, 2002, Debtor's husband Basil Brown filed another bankruptcy case under Case No. 02-32969. That case was dismissed with prejudice by the Honorable Harold C. Abramson on April 29, 2002. The Court takes judicial notice of the pleadings in that case.
4. On July 2, 2002, Debtor filed a bankruptcy case under Case No. 02-35698. An order granting a motion to dismiss was entered by the Court on August 9, 2002. Although Debtor claims that the case was erroneously dismissed, she has not appealed that order, and it is now final.
5. On November 5, 2002, Debtor filed this instant bankruptcy case.
6. Due to the defaults under the note, Midland commenced foreclosure proceedings. Midland posted the property for a November 5, 2002 foreclosure sale, and on November 5, 2002, Midland foreclosed.
7. A review of the bankruptcy case files listed above indicates that Debtor and her husband, Basil Brown, have engaged in a series of bankruptcy filings, each filed in effort to defeat Midland's foreclosure. Debtor and her husband do not appear to have made any meaningful attempt to repay the indebtedness on the house.

Accordingly, a separate order will be entered as follows:

1. The Motion to Reinstate Case for Limited Purpose is granted.
2. The motion for relief from stay is granted effective January 20, 2003, to allow Debtor and her husband to make alternative housing arrangements.

3. On January 20, 2003, the automatic stay is annulled to validate the foreclosure sale conducted by Midland on or about November 5, 2002.
4. Debtor and her husband, Basil Brown, are enjoined from filing any bankruptcy proceeding for a period of 180 days from the date of entry of this order. In addition, Debtor and her husband, Basil Brown, are further enjoined from taking any action, except in a court proceeding, which might interfere with the efforts of Midland to obtain physical possession of the property upon which it foreclosed.

SIGNED: 1/9/03



Harlin D. Hale
United States Bankruptcy Judge